

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RORY M. WHITE,)	
)	
Petitioner,)	
)	No. 1:03-CV-423/1:02-CR-129
v.)	
)	Judge Curtis L. Collier
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Petitioner Rory M. White (“Petitioner”) has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Court File No. 1). Petitioner filed a brief in support of his motion (Court File No. 2). Pursuant to the Court’s Order (Court File No. 3), the Government filed a response to Petitioner’s motion (Court File No. 4). Petitioner argues in his brief he was denied effective assistance of counsel when his attorney did not file an appeal on his behalf (Court File No. 2, p. 1). It is the understanding of the Court when a defendant’s attorney does not file an appeal after being requested to do so the Court may allow an out-of-time appeal. It is unclear if the Government disputes Petitioner’s version of the facts (*See* Court File No. 4, pp. 8-11).¹ If the Government has an alternate version of the facts, it is hereby **ORDERED** to submit its alternate version to the Court within **TEN DAYS** after the entry of this order.

¹ The Government states in its brief “[a]ccepting as true petitioner’s allegations of facts...” suggesting it may have an alternate version of the facts (Court File No. 9, p. 17).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE